

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:  
QUESTIONS FOR THE RECORD**

**FROM THE NOMINATIONS HEARING  
ON MARCH 3, 2021**

**Written Questions Submitted to Polly Trottenberg, Nominee to be Deputy Secretary of  
Transportation**

*Submitted by Ranking Member, Senator Roger Wicker*

***Question 1: Surface Transportation Reauthorization***

With the pending expiration of the current surface transportation authorization, do you commit to working on bipartisan legislation to address infrastructure needs across the country, both rural and urban?

**Response:**

I understand that rural communities have unique needs, including resource challenges and extensive unmet maintenance. I also know that infrastructure investments in rural America are key to supporting economic growth and to ensuring that residents have access to jobs, education and essential basic services like health care. If I am confirmed, I will work closely with this Committee and with the other key Committees as Congress works to craft a multi-year transportation reauthorization proposal that meets the needs of all communities, including rural communities.

***Question 2: Gulf Coast Rail***

Are you committed to working to restore Amtrak service to the Gulf Coast?

**Response:**

If confirmed, I am committed to working with you and key stakeholders, including Amtrak and the freight railroads, to restore passenger rail service to the Gulf Coast.

***Question 3: Autonomous Vehicles***

Automated vehicles have the potential to significantly reduce traffic fatalities, increase mobility for the elderly and disabled, and improve efficiency. The U.S. is currently a leader in developing this life-saving technology but other nations are advancing quickly. Many outmoded rules may hamper the safe testing and deployment of this technology. What steps should the Department take to advance the safe testing and deployment of automated vehicles in the U.S. to ensure that the U.S. remains a global leader in innovation?

**Response:**

If confirmed, I am eager to work with you and your colleagues in Congress to ensure that the Federal government helps to lead the way in developing a safe autonomous vehicle industry nationwide. If confirmed, I will work with industry, safety organizations, American workers,

environmental groups, and other stakeholders to determine how to create American jobs and advance American technological leadership through this industry.

***Question 4: Critical Freight Network***

President Biden recently issued an Executive Order on America's supply chains and called on the leadership of various agencies, including the Department of Transportation, to take action to further the Administration's goal of strengthening the resilience of America's supply chains. As the COVID-19 pandemic has underscored, our country is reliant on its freight network. To avoid potential supply chain disruptions, it is imperative that the Administration and Congress ensure that essential workers, such as truck drivers, and the transportation network have the resources and support necessary for the safe and efficient movement of goods. Will you commit to working with the Committee to monitor and support our supply chains as we continue to navigate through the pandemic?

**Response:**

I agree that transportation workers are critical to providing essential passenger travel as well as supporting freight transportation throughout the U.S. and worldwide during the COVID-19 pandemic. These workers provide critical services such as transporting individuals to testing and vaccine sites, and ensuring other essential workers such as healthcare professionals have access to their workplaces. Transportation workers also support the essential domestic and global supply chains by ensuring that medical supplies reach hospitals and health care facilities in a timely way. I am aware that the Department supports the Centers for Disease Control and Prevention's (CDC) recommendation to support vaccinations for critical infrastructure workers, like those in the maritime, transit, aviation, and other transportation industries. I commit to working with interagency partners, as well as state, local, Tribal, and territorial authorities, to promote expedient vaccination of transportation workers and to avoid potential supply chain disruptions. I look forward to working with the Committee to ensure that our supply chains can continue to meet the Nation's needs.

***Question 5: Tanker Security Program***

Within the Department of Transportation, the Maritime Administration serves an important national security role by supporting U.S.-flagged ships for strategic sealift. The National Defense Act for Fiscal Year 2021 authorized a Tanker Security Program to support strategic sealift so that the U.S. military is not forced to rely on foreign-flagged vessels for fuel logistics during national emergencies. Will you commit to following the law and standing up the Tanker Security Program in the timeframe and manner described in Chapter 534 of Title 46 of the U.S. Code, so that our U.S. troops can rely on fuel from U.S.-flagged vessels?

**Response:**

If confirmed, I commit to learning more about the goals of the Tanker Security Program, consistent with our authority and available resources.

***Question 6: U.S. Merchant Marine Academy (USMMA) Recapitalization***

The U.S. is significantly short of the mariners needed for sustained strategic sealift in a national emergency. A prime source for training of these mariners is the U.S. Merchant Marine Academy. However, the Academy desperately needs improvements to its campus to meet the training needs

of a 21st century merchant marine. Will you commit to making the recapitalization and modernization of the U.S. Merchant Marine Academy a priority?

**Response:**

Congress and DOT have been strong supporters of the U.S. Merchant Marine Academy's recapitalization efforts. I understand the critical role the maritime academies play in preparing the majority of entry level licensed mariners with unlimited credentials for service in the U.S. Merchant Marine, the U.S. Armed Forces, and the Nation's intermodal transportation system. If confirmed, I look forward to continuing this important work.

***Question 7: Travel and Tourism, National Advisory Committee on Travel and Tourism Infrastructure***

The COVID-19 public health emergency has significantly impacted the travel and tourism industry; the decline in travel and tourism spending in 2020 is estimated to have caused more than \$500 billion in cumulative economic loss, which translates into a loss of millions of jobs and thousands of businesses. As the COVID-19 vaccine reaches more of the population and states modify restrictions, people will once again begin to travel more and go to restaurants, hotels, and vacation rentals in increasing numbers. Now is the time to prepare for the safe return of large-scale travel and tourism. The FAST Act created the National Advisory Committee on Travel and Tourism Infrastructure (NACTTI) to provide information, advice, and recommendations to the Secretary of Transportation on matters relating to travel and tourism activities. In their final report, NACTTI made five key recommendations to USDOT. Are you familiar with these recommendations? If so, do you agree with them? If confirmed, how will you - as Deputy Secretary - prioritize investment in transportation and infrastructure projects that safely restart travel and tourism?

**Response:**

The travel and tourism industry has been devastated nationwide by the COVID-19 pandemic, as I have seen firsthand in New York, and DOT can play an important role in its recovery. I am familiar with the NACTTI's work authorized under the FAST Act and the final report and recommendations. If confirmed, I look forward to working with this Committee and Secretary Buttigieg to execute President Biden's promise on economic recovery and helping the travel and tourism industry rebound.

***Question 8: Essential Air Service***

The ongoing COVID-19 pandemic has created challenges for communities receiving air service through the Essential Air Service (EAS) program because passenger air traffic has drastically fallen. The FY 2021 Consolidated Appropriations Act requires the Department of Transportation to waive some of the subsidy eligibility restrictions given the impact of the COVID-19 pandemic. What is your perspective on how to ensure these and other smaller communities can receive adequate air service?

**Response:**

I recognize the financial challenges the EAS program has faced under COVID-19 and that the relief provided by the suspension of certain eligibility requirements under the Consolidated Appropriations Act for FY 2020 and FY 2021 will enable this important program to continue to

provide support to these communities. As we continue to recover from the economic effects of the pandemic, I am committed to working with Congress to ensure that the EAS program continues to serve small and rural communities.

***Question 9: Aircraft Certification, Safety, and Accountability Act***

As you may be aware, the FY 2021 Consolidated Appropriations Act included the Aircraft Certification, Safety, and Accountability Act, which contained numerous important reforms to the FAA's aircraft certification process. As the FAA works towards implementing the requirements in this Act, will you commit to ensuring they are implemented on time?

**Response:**

If confirmed, I look forward to working with the FAA in implementing the recently enacted Aircraft Certification, Safety, and Accountability Act as expeditiously as possible. Safety in aviation is paramount, and I will work with the Secretary and keep Congress updated on our progress as we work with the FAA to implement the Act.

***Question 10: Alliance for System Safety of UAS through Research Excellence (ASSURE)***

The integration of unmanned aircraft systems, known as UAS or drones, into the national airspace system is one of the most important ongoing efforts at the FAA. Unlocking the potential for UAS operations will be a key aspect of keeping the U.S. at the forefront of aviation, and robust Federal research programs will be a big part of that effort. The FAA's Alliance for System Safety of UAS through Research Excellence, known as ASSURE, is a Center of Excellence, comprised of 24 renowned research institutions, including Mississippi State University, which conducts important research on integrating UAS into the National Airspace. Do you pledge to familiarize yourself with ASSURE as you get up to speed on UAS issues?

**Response:**

Yes, if confirmed, I look forward to learning more about the FAA's ASSURE and its work on UAS operations. I also look forward to working with safety experts, academic researchers, industry innovators, and partners from Federal, state, local, Tribal, and territorial governments on this important technology.

***Question 11: FAA National Airspace System Commercial Space Integration***

As you may be aware, the number and frequency of space launches and re-entries from U.S. spaceports has increased dramatically. In 2020, the Eastern Range at Cape Canaveral, Florida, hosted 31 launches. This year, there are 53 launches on its schedule. As this trend continues, integrating these launches into the national airspace system will be critical to maintaining safety and maximizing airspace use. The FAA is working on tools such as the Space Data Integrator and Hazard Risk Assessment and Mitigation framework. Can you commit to ensuring that this important work continues?

**Response:**

Should I be confirmed, I am committed to working with the FAA and the commercial space industry to ensure the safe operation of commercial space flights in our National Airspace System (NAS). We need to manage the airspace to ensure the NAS is safe for both passenger and

commercial spacecraft. I look forward to better understanding and further developing how these tools can ensure safety while promoting greater efficiency.

***Question 12: FAA Commercial Space Licensing***

Last year, the FAA's Office of Commercial Space Transportation issued a final rule to streamline space launch and reentry licensing. As the FAA works to implement this rule, responsiveness to industry is key, especially given the rapid pace of innovation. If confirmed, will you work with industry to ensure optimal outcomes for the safety and growth of America's space enterprise?

**Response:**

If confirmed, I am looking forward to working with the FAA and our commercial spaceflight operators to help build this remarkable new industry in the U.S. I understand the FAA is working on Advisory Circulars to help industry best use the streamlined rule. If confirmed, I commit to working with industry and continuing to focus on safety outcomes.

***Question 13: FAA Commercial Space Licensing***

The Office of Commercial Space Transportation is a small office within FAA with roughly 120 employees. Given the significant work ahead to implement the new launch and reentry rule, do you believe that it would be prudent to prioritize resources for these immediate implementation activities?

**Response:**

If confirmed, I am interested in engaging with the Office of Commercial Space Transportation and assessing their capabilities and needs. I understand that a recent reorganization was implemented to ensure a more efficient connection with industry. There may be additional ways that DOT can help, and I intend to explore those with Secretary Buttigieg, the FAA, and Congress.

***Submitted by Senator Roy Blunt***

***Question 1: Backup GPS***

On December 4, 2018, the Frank Lobiondo Coast Guard Authorization Act of 2018 was signed into law (PL 115-282). Section 514 of this law (49 USC 312), included a provision which was introduced in both chambers of Congress, titled the “National Timing and Resiliency Act.” This section of law requires that the Department of Transportation enter into a private-public-partnership for the purpose of overseeing the establishment of a terrestrial backup to satellite-based Global Positioning System services; the purpose of which would be to supplement and harden precision timing capabilities.

The statutory time requirement for implementation of this provision has already passed. The Department of Transportation is now two months late on delivering a system, as the law required a system be operational in two years. In order to further direct the Department of Transportation to implement this provision, report language was included in the 2021 Consolidated Appropriations Act (PL 116-260), directing the agency to fill staff vacancies for the purpose of implementing these statutory requirements.

Congress could not be any clearer in the directive it has given the Department of Transportation regarding the implementation of this provision. A disruption of GPS would have wide-ranging and disastrous effects on the United States' national security and the broader economy. In 2014 the Department of Homeland Security defined GPS as a significant vulnerability for our nation's economy. They stated that of the 16 critical infrastructure sectors of the US economy, GPS was used by 15 and that for 13 of these sectors, GPS was a single point of failure.

However, I have not received any substantive information from DOT on its intention to implement the requirements of PL 115-282. The only attestation from DOT that my staff or I have received is related to reporting requirements and technology demonstrations which were authorized through other previous legislative measures.

- If confirmed, will you implement the requirements provided to DOT through PL 115-282?
- Will you provide the Senate Appropriations Committee, Senate Committee on Commerce, Science, and Transportation, and my personal office with a timely update on the status of this provision's implementation?
- Will you provide the Senate Appropriations Committee with the agency's funding needs related to the procurement of a terrestrial backup GPS system?

**Response:**

Resilient positioning, navigation, and timing (PNT) services are not only important to supporting critical infrastructure in the transportation sector but also are essential for national, homeland, and economic security through the integration of millions of Global Positioning System (GPS) receivers into our everyday lives. Key PNT applications include those used for emergency response, transportation safety, precision agriculture, machine control for construction and mining, timing signals for telecommunications and financial transactions, high-precision

instruments for local-area climatology studies, weather prediction, surveying, general navigation, and scientific applications.

The transportation sector has some of the most stringent performance requirements in terms of PNT accuracy, integrity, availability, and reliability. If confirmed, I will continue to work with Congress, our Federal partners, and our stakeholders to implement GPS backup and complementary PNT technologies to deliver resilient PNT capabilities. If confirmed, I will work with the Secretary and the Office of Management and Budget to keep Congress informed of the Department's progress and funding needs.

***Submitted by Senator Ted Cruz***

***Question 1: Rideshare Services***

On-demand vehicle-for-hire services such as Uber and Lyft transformed how Americans access transportation services. As of last year, Uber operated in over 900 cities around the world, providing income for more than 5 million drivers.<sup>1</sup> Uber, and services like it, almost instantly encountered hostile regulatory environments from big cities.<sup>2</sup>

- In New York City, the taxi medallion system created a distorted market prone to corruption that was upended by the rideshare industry. Do you believe it is the responsibility of government, at any level, to prop up a quasi-governmental industry at the expense of a more innovative alternative?
- Do you agree with, and if confirmed would you be supportive of, the NYC taxi drivers' demand for a \$500 million bailout fund, largely due to a broken and distorted medallion system?<sup>3</sup>
- In August 2020, New York City Mayor Bill de Blasio suggested to the taxi union the federal government under a President Biden could intervene and provide assistance to NYC taxi drivers.<sup>4</sup> If confirmed, would you support U.S. taxpayers bailing out the NYC taxi system? If so, what about other taxi systems across the country?

**Response:**

From 2014-2020, I served as the Commissioner of New York City's Department of Transportation, which does not oversee or regulate for-hire vehicles, but does play a role in analyzing the impact of the industry on the safety, sustainability and congestion levels of city streets.

Historically, Federal officials have had no role in the state and local regulation of the taxi and for-hire vehicle industry, including with regards to any financial agreements or arrangements. If confirmed, I do not anticipate that DOT will be involved in any city's regulatory or legislative deliberations involving the for-hire vehicle industry.

***Question 2:*** Since 2015, revenue for yellow cab drivers has fallen more than 35 percent, a trend that also occurred in cities like Philadelphia, Chicago, and Los Angeles. As you know, in an effort to remedy this, in 2018 New York City attempted to regulate the amount of time a rideshare driver can spend searching for passengers.

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<sup>1</sup> [Uber 2020 Presentation](#)

<sup>2</sup> ["E-Hail Regulation in Global Cities." NYU Wagner Graduate School of Public Service. November 4, 2019.](#)

<sup>3</sup> ["New York City considers \\$500 million bailout for its taxi drivers." CBS News. January 31, 2020.](#)

<sup>4</sup> ["NYC taxi drivers block streets near City Hall to demand debt relief." Fox 5 New York. August 20, 2020.](#)



- Was a similar proposal ever considered for traditional taxis under the medallion system?
- New York Supreme Court Judge Lyle Frank called the rule “arbitrary and capricious” when he annulled the rule.<sup>5</sup> In your written testimony to this committee, you noted that a central part of President Biden’s “Build Back Better” plan, which you support, is “foster[ing] innovation and global competitiveness.” As a general matter, do you believe “arbitrary and capricious” rules and regulations foster innovation?
- How do you reconcile your written testimony, where you say you will help foster innovation if confirmed, and your history in New York City of supporting rules and regulations that heavily discouraged innovation and which, had they not been thrown out by Judge Frank, would have disproportionately negatively impacted poor and minority communities?

**Response:**

In August 2018, in response to concerns about the economic hardships faced by taxi and for-hire vehicle drivers and growing traffic congestion, the New York City Council passed, by a vote of 39-to-6, legislation authorizing the Taxi and Limousine Commission (TLC) to establish and revise vehicle utilization standards for high-volume for-hire services and to regulate the issuance of new licenses to for-hire vehicles. The City proceeded with minimum pay per trip rules immediately after the 2018 legislation.

The legislation also tasked the TLC and NYCDOT with reviewing the impacts of the industry and proposing longer-term policy solutions to address congestion. The TLC then proceeded with a cap on cruising, requiring apps to maintain a minimum utilization rate in the Manhattan Central Business District, which had seen steep increases in congestion and travel speeds dropping below 5 miles per hour. The TLC did not propose a utilization rate for traditionally underserved areas. This cap on congestion was determined to be arbitrary and capricious in litigation brought by for-hire vehicles, but the City prevailed on challenges to the minimum pay per trip rules.

As many cities, New York included, have grappled with the for-hire vehicle sector, NYCDOT has been deeply involved in integrating a number of new transportation technologies. NYCDOT has partnered with Lyft to create North America’s largest bike share system. NYCDOT has also worked with a number of other transportation technology companies to pilot car share, dockless bike share, shared mopeds, and soon, shared e-scooters, as well as pay-by-cell parking.

NYC, along with Tampa, FL and the State of Wyoming, is currently part of a DOT pilot program to test and deploy V2V and V2I connected vehicle technology to promote safer streets and reduce congestion. The City also partners regularly with the private construction industry on new technologies and advanced materials to reduce costs and improve the delivery of infrastructure projects.

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<sup>5</sup> [“Judge blocks NYC’s law limiting Uber drivers ‘cruising’ for new passengers.” The Verge. December 23, 2019.](#)

But even as the City embraces technological advancements, like other localities, it does also need to manage the safety, efficiency, sustainability and equity of its roadway and mass transit systems, as well as protecting both the public and private transportation workforce.

**Question 3:** Can you please detail any involvement you or the NYC Department of Transportation had, while you were Commissioner, in the implementation of regulatory actions against rideshare services?

- Were any of the government officials involved in drafting or passing legislation or rulemaking—either in the Mayor’s office, NYC DOT, or the Taxi and Limousine Commission—also recipients of political donations from the NYC taxi industry?

**Response:**

As noted above, as NYCDOT Commissioner I did not have a direct role in the regulation of rideshare services. To the best of my knowledge, non-elected City officials in the Mayor’s Office, TLC, NYCDOT or elsewhere do not receive political donations of any kind. For elected officials, I believe that the relevant information on political donations in New York State is publicly available on the New York State Board of Elections website.

**Question 4: *Disruptive Technology***

In the last decade, new transportation services and technologies have disrupted the status quo, particularly in urban areas. The Department of Transportation has had and will continue to have a considerable role in shaping the regulatory environment in which many of these innovative technologies will operate.

- In your assessment, has the federal government’s regulatory approach the last four years encouraged innovation in the transportation sector? What was done right and what should be changed?
- If confirmed, what would your approach be to the regulatory environment for innovative technologies like rideshare and autonomous vehicles?
- What policy changes do you believe need to be made by congress in order to provide an environment which allows innovative and disruptive technology to mature and grow?

**Response:**

If confirmed as Deputy Secretary, like Secretary Buttigieg, safety will also be my top priority, especially as it relates to new transportation services and technologies. I commit to advancing the integration of technology that improves safety for all users, and to working with safety advocates, industry stakeholders, and labor groups to reduce fatalities on our roadways.

I am eager to work with you and your colleagues in Congress to ensure that the Federal government is leading the way on creating a regulatory environment that enhances safety and addresses climate change. Further, I will work with the stakeholders who have equities in the transportation innovation space, which includes American workers, safety advocates, industry,

environmental groups, and others to determine how to create American jobs and advance American technological leadership.

**Question 5:** Disruptive technology is not limited to ridesharing or autonomous vehicles, nor is it limited to urban areas. Unmanned aerial vehicle (UAV) technology could potentially provide delivery service to very remote, underserved areas of the country. Especially promising is how UAV technology could transform access for these areas in things like medicine and food. For example, just last year, a UAV company partnered with a healthcare provider to distribute personal protective gear and medical equipment in North Carolina.

- What do you believe is the proper approach to integration of UAV technology into the national airspace system?
- Would you agree that the Integrated Pilot Program (IPP) and BEYOND program, both administered under the last administration, encourage long-term innovation?

**Response:**

Unmanned Aircraft Systems (UAS) technology has tremendous potential, but the challenge for the FAA will be to ensure it is safely integrated into our shared airspace and at low altitudes over communities and residences. If confirmed, I look forward to working closely with Congress, the FAA, industry, state, local and tribal governments and other stakeholders to address the advance a thriving, safe UAS industry. If confirmed, I commit to familiarizing myself more deeply with the results from the UAS Integration Pilot Program and the ongoing work of BEYOND and its partners.

**Question 6:** In recent years, short-range autonomous vehicle services have deployed across the country. They have been used for food delivery, medical goods, and retail. These are not traditional, full-size automobiles, rather they are much smaller vehicles, traveling much shorter distances.

- The National Highway Traffic Safety Administration continues to solicit public comment on a delayed framework for automated driving system safety (RIN 2127-AM15). Without compromising roadway and pedestrian safety, what should the Department of Transportation do to expedite permissions for products like this, and if confirmed will you commit to working to move this framework along?

**Response:**

The Department recognizes that advancements in transportation technologies, such as autonomous vehicles, could lead to increased safety benefits. If confirmed, I will commit to exploring how these technologies can be safely integrated in our roadways and communities and how DOT can work with stakeholders nationwide to realize the benefits of autonomous vehicle technologies.

**Question 7: LNG by Rail**

The state of New York, your home state, produces less energy per capita than any other state in the Nation except for Rhode Island. The state relies heavily on natural gas for consumption, however. According to the Energy Information Administration, New York was the sixth-largest

natural gas consumer in 2018. In 2019, three out of every five households heated their homes with natural gas.

In June 2020, the Pipeline and Hazardous Materials Safety Administration (PHMSA) finalized a rule authorizing the bulk transportation of liquefied natural gas by rail. The final rule was based on “an evidence-based approach to the safety of the tank cars designed and used to transport flammable cryogenic materials.” New York State imports three-quarters of its energy needs from other states, suggesting New Yorkers would benefit greatly from additional avenues of energy transportation.

- When I asked now-Secretary Buttigieg about his commitment to this rule in his nomination hearing, despite acknowledging the benefits of natural gas and the fact that his city had transitioned a portion of city vehicles to natural gas, he refused to affirm the rule would stand. Will you commit to advocating to keep the current rule in place and continuing to allow LNG transportation by rail?

**Response:**

With regard to LNG-by-Rail, the Administration understands that concerns have been raised about LNG-by-rail by many communities. If confirmed, I commit to reviewing the rule and ensuring that safety is at the forefront of any decision.

***Question 8: Infrastructure Projects***

The NYC Department of Transportation operates a \$19.7 billion ten-year capital improvement program. When you stepped down as commissioner, the NYC Streetsblog criticized you for a \$200 million “foolish waste of money” on one project, as well as “a plan for fixing [an expressway] that was so bad she and the mayor had to abandon it.”

- Between INFRA and BUILD grants, the U.S. Department of Transportation awards billions upon billions of infrastructure grants each year. What lessons did you learn in New York City that will prevent wasteful delays and failed projects from occurring at the federal level?

**Response:**

Having participated in discretionary grant processes at both DOT and as a competitor in the process, I know that the Department places a lot of emphasis on selecting projects that are high priorities for the project sponsor’s community, produce significant public benefits, and are ready to move forward within statutory timelines. As a local government leader, I recognize the importance of improving the project delivery process and exploring opportunities to make that process more streamlined and flexible. If confirmed, I will apply my experience to ensure that the Department commits to transparency and continues to prioritize the strongest projects for the available discretionary funding.

***Question 9:*** The American Rescue Plan, as originally passed by the House of Representatives, prioritized urban pet projects like a California subway expansion and a bridge to Canada in upstate New York. Correctly, the projects were ruled out of order by the Senate Parliamentarian

and were not included in the measure which passed the Senate. Nonetheless, the projects were clearly unrelated to COVID relief and never belonged in the package in the first place. This is very concerning given that Congressional Democrats are preparing a return to earmarks and potentially the pork-barrel spending which they invite.

- If confirmed, what criteria would you use to evaluate requests for multi-million-dollar grants to ensure the most suitable candidate is chosen and taxpayer dollars aren't wasted?

**Response:**

If I am confirmed, I commit to using the criteria that Congress sets forth to evaluate all grant applications in the Department. It is important every discretionary grant application receives a fair and impartial evaluation according to the criteria, and that our evaluation and selection process is fully documented according to Departmental guidance. I commit to ensuring and enforcing transparency in all project selection processes.

***Question 10:*** As discussions about an infrastructure package have picked up, some have suggested Congress employ the reconciliation process, which as you know is a strictly partisan exercise, instead of going through regular order.

- Given your experience in the Senate, do you believe reconciliation is the correct vehicle for an infrastructure package, even if that means passing it with only partisan support?
- Should you be confirmed, how will you use your position and the DOT to engage with non-urban stakeholders and ensure their needs are met in whatever package comes together?

**Response:**

In my years in the Senate and at DOT, transportation authorization and appropriations legislation was drafted, negotiated, and passed with significant bipartisan support. If confirmed, I very much look forward to working with Secretary Buttigieg and the relevant congressional Committees to on transportation legislation that addresses the needs and priorities of states and localities across the country

If I am confirmed, I also look forward to working with stakeholders from all parts of the country, ensuring that the Department is accessible to and proactively engaging directly with small and rural communities and tribal governments and the elected officials who represent them.

***Question 11:*** Congress has now passed five laws related to COVID relief. Combined, the legislation provides tens of billions of dollars for transit agencies, airlines, Amtrak, and other forms of public transportation.

- Governors of both red and blue states are lifting COVID restrictions as more Americans are vaccinated, and life could soon return to normal across the country.

Given this, do you believe there is a sound rationale for continuing to throw taxpayer dollars at corporations and transit agencies that have already received billions, and whose operations could soon be somewhat normal again? If so, please provide that rationale, as well as when you believe the federal government will be able to stop propping up these transit sectors.

**Response:**

The COVID-19 pandemic has devastated the transportation sector, particularly those industries like aviation, transit, passenger rail and intercity buses, which are heavily dependent on passenger revenues to operate and now face major new expenses to keep their systems safe for workers and the traveling public. The COVID relief that Congress has provided over the past year has been crucial in enabling our transportation system to continue to serve the public, particularly front line workers, and minimizing job loss and economic dislocation. For many of those systems, it may still be years before their revenue and expenditure levels return to pre-pandemic levels. But if confirmed, I am committed to helping restore public confidence in transportation and helping that industry recover financially as soon as possible.

***Question 12: Backup GPS***

GPS has become a part of our everyday lives. It is vitally important for our country's economy, including our transportation systems, telecommunications, financial sector, and emergency services, to name a few. Unfortunately, this system has increasingly come under threat from jamming and possible outright attack by international actors and has no resilient, independent backup. A disruption of GPS would have wide-ranging and disastrous effects on the United States' national security and the broader economy. In 2014 the Department of Homeland Security defined GPS as a significant vulnerability for our nation's economy. They stated that of the 16 critical infrastructure sectors of the US economy, GPS was used by 15 and that for 13 of these sectors, GPS was a single point of failure. In 2018, Congress passed, and the President signed into law my bill that I introduced with Senator Markey, the National Timing Resilience and Security Act (NTRSA). This legislation originated in this Committee and had bipartisan support from many of my fellow Committee members and the full Senate. The law required the Secretary of Transportation to establish a terrestrially based backup system to GPS by December 2020—however that deadline has come and gone. As noted by the February 25, 2021 letter to Secretary Pete Buttigieg from House of Representatives Committee on Transportation and Infrastructure Chairman Pete DeFazio and the March 1, 2021 letter to acting OMB director Rob Fairweather from Ranking Member Sam Graves, protecting GPS, the US economy, and our broader national security is something we can no longer afford to miss or delay executing.

- If confirmed, will you commit to move expeditiously to complete the necessary steps to establish an operational terrestrial backup GPS system, per the law Senator Markey and I authored?

**Response:**

Resilient positioning, navigation, and timing (PNT) services are not only important to supporting critical infrastructure in the transportation sector but also are essential for national, homeland, and economic security through the integration of millions of Global Positioning System (GPS)

receivers into our everyday lives. Key PNT applications include those used for emergency response, transportation safety, precision agriculture, machine control for construction and mining, timing signals for telecommunications and financial transactions, high-precision instruments for local-area climatology studies, weather prediction, surveying, general navigation, and scientific applications.

The transportation sector has some of the most stringent performance requirements in terms of PNT accuracy, integrity, availability, and reliability. If confirmed, I will continue to work with Congress, our Federal partners, and our stakeholders to implement GPS backup and complementary PNT technologies to deliver resilient PNT capabilities.

***Question 13: COVID-19 Vaccine Passport***

Recently, the Department of Transportation and Centers for Disease Control and Prevention debated requiring passengers provide proof of a negative COVID test prior to being allowed to fly domestically. Such a requirement would be impossible to implement, destroy domestic air travel, and runs counter to multiple scientific studies that conclude the risk of transmitting COVID while flying is very very small (less than .003 percent). There are also significant privacy concerns about requiring proof of a medical procedure. Such a mandate would be a mistake.

- Millions of Americans are now receiving COVID vaccines every day, suggesting the pandemic may soon be behind us. I remain concerned, however, that public accommodations, as defined by U.S. code, will be allowed and encouraged to require proof of vaccination or perhaps develop some sort of “vaccine passport” a consumer must present prior to entering a store, renting a hotel room, or using public transportation like a city subway, Amtrak, or board a plane. Do you agree it would be wrong to invade Americans’ personal privacy and infringe on their freedoms by impeding their right to travel by requiring them to produce proof of COVID vaccination prior to reentering society?

**Response:**

I am aware that DOT has been working with industry and other stakeholders to determine what it will take to restore public trust in public transportation in a way that is practical, broadly supported, and meets public health standards. I look forward to working with Congress and the Administration to determine sensible solutions for the safety and viability of the US transportation sector while protecting transportation workers and the traveling public.

***Question 14: Corporate Average Fuel Economy (CAFE) Standards***

As you are aware, the National Highway Traffic Safety Administration (NHTSA) regulates fuel economy and greenhouse gas emission standards for passenger vehicles. It is widely expected that the Biden administration will review the Trump administration’s Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule and replace it with standards that are more stringent—potentially increasing costs for consumers. Raising the cost of producing passenger vehicles, and by extension raising the price of vehicles for consumers during a pandemic, is a terrible idea.

- If confirmed, can you promise to oppose regulations that will raise the cost of passenger vehicles for consumers?

**Response:**

If confirmed, I commit that I will review proposed rulemakings and review the required analysis on estimated costs and benefits for consumers.

***Question 15: Aircraft CO2 Rule***

In 2016, under the Obama administration, more than 190 countries reached a historic multilateral agreement on aircraft CO2 emission standards and a carbon offset scheme for international flights. The agreement reached at the meeting organized by International Civil Aviation Organization (ICAO) meeting was characterized by ICAO Council President Dr. Olumuyiwa Benard Aliu as “practical” in a press release, in which he also said it would “serve as a positive and sustainable contributor to global greenhouse gas emissions reduction.”<sup>6</sup>

Since the agreements were signed, the European Union and United States have both adopted domestic CO2 emission standards that are compliant with the agreement and provide the basis for aircraft manufacturers to demonstrate compliance with the new requirements. However, the FAA has still not completed the rule to provide the framework and process for U.S. manufacturers to certify their aircraft so they can be exported and operate internationally.

- If confirmed, will you commit to moving forward and finalizing this important rule in 2021? Further, if confirmed will you commit to adhering to the agreement previously reached and not re-opening it to add additional burdensome regulations?

**Response:**

I am aware the DOT collaborated closely with the Environmental Protection Agency (EPA) in the development of the EPA’s final rule to implement the ICAO standard, published on January 11 of this year. As customary for implementation of international aviation emissions standards, the EPA first publishes a rule under the Clean Air Act, followed by an FAA rulemaking to establish airworthiness certification requirements. Under Executive Order 13990, I understand the EPA rulemaking is currently under review, and subject to the outcome of that review, if confirmed, I commit to working with FAA to finalize the rulemaking as expeditiously as possible.

As to the second question, the U.S. led the efforts to reach a landmark resolution on climate change at the General Assembly of the International Civil Aviation Organization (ICAO) in 2016, and supported the ICAO Council adoption of Standards and Recommended Practices for the Aircraft CO2 standard. I commit to continued support for those outcomes and for continued U.S. engagement to support ICAO’s ongoing efforts to address the climate impacts of aviation.

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<sup>6</sup> <https://www.icao.int/Newsroom/Pages/Historic-agreement-reached-to-mitigate-international-aviation-emissions.aspx>



***Submitted by Senator Marsha Blackburn***

***Question 1: Mineral Definition***

Mrs. Trottenberg: The raw materials provided by the aggregate industry are necessary for virtually every public works project across the country, and these raw material operators adhere to various federal agencies concerning the rocks they quarry.

- How would you support the need for accurate mineral definitions to maintain an efficient construction supply chain and deliver infrastructure projects in a timely manner?

**Response:**

There are a limited number of existing aggregate resource sites in our nation, and we need to take coordinated efforts to ensure the availability and reasonable price of these resources without compromising our commitments to safety or environmental protection. If confirmed, I look forward to working with you, your colleagues, and other stakeholders to explore what actions can be taken to sustain our supply of aggregates.

***Question 2: Transportation Systems***

Mrs. Trottenberg: Many cities have access to a wealth of information and data for planning purposes, but it is often siloed within different city departments and agencies.

- How can DOT help drive efficiencies and work to see that data is adequately and safely shared between different public agencies, the private sector, and stakeholders to ensure delivery of better transportation systems?

**Response:**

In my experience, transportation is an increasingly data and technology driven field and advances in data analytics are enabling transportation agencies to dramatically improve how they design and manage their systems. But cities and states often face enormous challenges in managing and analyzing the growing volume of data streams and integrating that data with their many legacy IT systems in and among different agencies. If confirmed, I look forward to working with State, local, Tribal, and territorial officials, community stakeholders, and the private sector to support and disseminate best practices for managing, analyzing and sharing data for the transportation system, while also focusing on security and privacy protection.

***Question 3: Truck Driver Shortage***

Mrs. Trottenberg: The U.S. truck driver shortage is worsened by the industry's struggles to recruit new drivers.

- Will you commit to working with me to fix the regulatory barriers that prevent or deter capable drivers from entering the trucking workforce?

**Response:**

I know there are significant concerns about truck driver shortages, driver retention and an aging driver population at a time when our economy is increasingly dependent on freight movement by truck. If confirmed, look forward to working with all the relevant stakeholders on this challenge, with a focus on safety and working conditions and how to best recruit, train and retain drivers.

***Question 4: Pipelines***

Mrs. Trottenberg: As you know, pipelines are the safest and most efficient method of transporting energy in America.

- Will DOT and the Pipeline and Hazardous Materials Safety Administration (PHMSA) provide a transparent process for pipeline operators for the safe and continued operations of America's essential pipelines?

**Response:**

If confirmed, I will work with Secretary Buttigieg to ensure DOT and PHMSA provide a transparent process for pipeline operators for the safe and continued operations of the U.S. pipeline network. I think it is essential that DOT promotes research and development initiatives aimed at deploying new technologies to enhance pipeline safety and reliability while addressing potential environmental impacts.

***Question 5: Motor Carrier Liability Insurance***

Mrs. Trottenberg: Can you ensure DOT will not circumvent Congress and mandate an increase in insurance requirements through the regulatory process, given the absence of data indicating it would improve safety?

**Response:**

The Moving Ahead for Progress in the 21st Century Act (MAP-21) required the Department to report to Congress, every four years, on the current minimum financial responsibility requirements for motor carriers of property and passengers. It is my understanding that the Department will be sending its latest iteration of that report to Congress this year. I am gaining familiarity with this issue, but I do recognize it is an issue of great importance to many of the Department's key stakeholders. Both the Secretary and I will listen to our partners in industry and in the safety community before developing a path forward and will keep Congress informed.

*Submitted by Senator Mike Lee*

**Question 1:** Ms. Trottenberg, has the federal government overextended itself in funding infrastructure projects? Should we expand or reduce the scope of the federal government in funding infrastructure projects?

- What is the appropriate role of the states, and what is the appropriate role of the federal government in handling these types of projects?
- You and Secretary Buttigieg will be advising President Biden and Congress as we approach FAST Act reauthorization. What FAST Act Programs would you recommend prioritizing in level of importance, if confirmed?

**Response:**

If confirmed, I am committed to working with Secretary Buttigieg and Congress to realize President Biden’s vision for a transformational investment in American infrastructure, to make it safer, more equitable, more sustainable, and one that will create millions of good-paying jobs. That includes leveraging the funding and financing resources of the Department to work with Congressional, state, local, Tribal, territorial, and other partners to help build projects that achieve these goals. The Department is committed to making the funding and financing pipeline for transportation projects as streamlined and transparent as possible. With the FAST Act expiring at the end of this fiscal year, DOT and the Biden Administration look forward to engaging with Congress and other key stakeholders on the next reauthorization. If confirmed, I am committed to providing the Department’s expertise and experience in implementing the FAST Act and working closely with Congress on legislation that addresses transportation needs across the country.

**Question 2:** Ms. Trottenberg, how would you describe the current state of the Highway Trust Fund?

- Can we continue to afford spending more than we are taking in?
- As we approach FAST Act reauthorization, will you oppose a reauthorization plan that requires more irresponsible deficit spending in our surface transportation programs?

**Response:**

Since 2008, the ongoing and growing imbalance between Highway Trust Fund spending and receipts has remained a significant issue. If confirmed, I will work with Federal partners, the Committee and with the other key Committees to address our long-standing funding challenges.

**Question 3:** Ms. Trottenberg, some have proposed addressing our Highway Trust Fund shortfalls by increasing revenue. A federal gas tax raise is often thrown around as one means to increase this revenue. The Biden administration has said they will not raise taxes on middle-income Americans, which, as Secretary Buttigieg said recently, “rules out approaches like the old-

fashioned gas tax.”<sup>7</sup> Can you give us a clear commitment, as Secretary Buttigieg has done, that you will not support raising the gas tax?

- Gas taxes hit the hardest on those who cannot always purchase the newest, most fuel-efficient vehicles or expensive electric cars. It also harms rural drivers who rely more on their vehicles to travel and have less access to electric charging infrastructure. Do you agree that the gas tax is a regressive tax and raising it would unfairly impact rural and low-income Americans?

**Response:**

My role is to advise the Secretary on all aspects of transportation policy and advocate for the decisions he makes. I think it is important that as we transition to cleaner, sustainable and more efficient methods of transportation, we decide together how to best address that transition. This includes not only figuring out how to fund that transition, but also to make sure it occurs equitably so that rural and low-income Americans are not left behind. If confirmed, I will work with the Secretary, our interagency partners, the Committee and with the other key Committees to address our long-standing funding challenges.

***Question 4:*** Ms. Trottenberg, the Department of Transportation is responsible for regulating aviation in the United States. One debate taking place at the FAA is the issue of drone regulation. Low-altitude drones are a major focus for the states, who through their inherent police powers, govern matters such as property rights, land use, trespass, privacy, and local safety issues. When Secretary Buttigieg came before this Committee, he agreed with me that there should be a clear role for authorities outside of the federal government, such as state and local authorities, to regulate drones in some of these matters. You have an interesting background as Commissioner of the New York City Department of Transportation. Would you agree with Secretary Buttigieg? Do you think that state and local governments have a clear role to play in the regulation of low-altitude drone operations?

- In the context of drone operations, the FAA has taken the position that they control the airspace from the ground up. Do you think the federal government has the ability to regulate the airspace a couple of feet above your lawn? What about mere inches above the blades of grass? In other words, should air inches above your backyard or front lawn be considered federal airspace?

**Response:**

It is my understanding that the FAA is proactively engaged with communities and local law enforcement as it develops its regulations. If confirmed, I will continue to encourage collaboration with state, local and tribal governments as I know firsthand what an essential role they play. I will work with Congress to develop a path forward that prioritizes safety and enables us to benefit from innovations like UAS.

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<sup>7</sup> <https://www.bloomberg.com/news/articles/2021-02-26/buttigieg-says-gas-tax-hike-would-violate-biden-campaign-pledge>

**Question 5:** Ms. Trottenberg, do you believe the Department of Transportation has authority to regulate “intrastate” transportation? If so, to what extent?

- Recently, the Department of Transportation and the CDC issued a COVID-19 mask mandate to require masks be worn on some intrastate transit preempting state decisions. Is this an appropriate use of the federal government’s authority?

**Response:**

The Administration has acted swiftly to combat COVID-19, including numerous Executive Orders aimed at protecting travelers and reducing the spread of COVID-19. I am aware of the Department’s ongoing efforts, including implementing CDC’s mask mandates for public transportation, protecting transportation workers, and working with interagency partners, under the Department’s existing legal authority. I am fully committed to continuing to leverage the Department’s resources to respond to the COVID-19 pandemic, including supporting the President’s American Rescue Plan and the broader response.

**Question 6:** Ms. Trottenberg, during his questioning at your hearing, Senator Hickenlooper asked you about the streamlining of commercial space launch and reentry regulations<sup>8</sup> at the FAA, which are currently set to take effect on March 10, 2021. Do you support the new streamlined launch and reentry licensing requirements?

**Response:**

If confirmed, I am looking forward to working with the FAA and our commercial spaceflight operators to help build this remarkable new industry in the United States. I understand the FAA is working on Advisory Circulars to help industry best use the streamlined rule. If confirmed, I commit to working with industry and continuing to focus on safety outcomes.

**Question 7:** The Office of Commercial Space Transportation was established for two purposes: (1) to protect public health and safety through regulation and (2) to promote the economic development of space by facilitating and encouraging space launches by the private sector.<sup>9</sup> This dual mandate – safety *and* promoting commerce – is unusual for DOT agencies, which usually just are charged with public safety. If confirmed, how will you appropriately balance the carrying out of these dual mandates?

**Response:**

If confirmed, I look forward to discussing with the FAA how those missions are balanced today and better understanding how we can enhance that balance, both in terms of avoiding conflicts of interest, but also in terms of the appropriate resources dedicated to these missions. I am

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<sup>8</sup> <https://www.federalregister.gov/documents/2020/12/10/2020-22042/streamlined-launch-and-reentry-license-requirements>

<sup>9</sup> [https://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/](https://www.faa.gov/about/office_org/headquarters_offices/ast/)

committed to working with FAA and industry to ensure safe operations in our National Airspace System, should I be confirmed.

***Submitted by Senator Shelley Moore Capito***

***Question 1:*** In the past, the Department of Transportation has allocated Department resources to large urban projects and often times left rural areas underfunded. Secretary Chao did a very good job recognizing that and making a concerted effort to use the Department's discretionary authority and discretionary grant programs, like BUILD and INFRA, to help rural America. And I look forward to working with Secretary Buttigieg on ensuring rural communities don't get left behind again.

- Will you commit, if confirmed, to address the unique transportation needs of rural parts of our country?
- Will you commit to making sure that eligible projects in rural areas receive their fair share of resources from the Department's discretionary grant programs, such as BUILD and INFRA?

**Response:**

I understand that rural communities have unique needs, including resource challenges and extensive unmet maintenance. I also know that infrastructure investments are key to supporting economic growth and to ensuring that residents in rural communities have access to jobs, education access and essential basic services like health care. If confirmed, I will commit to making sure that eligible projects in rural areas receive their fair consideration for competitive discretionary grants.

***Follow-Up Question:*** Currently, both INFRA and BUILD grants set aside a certain percentage of funding for rural projects. Most recently, DOT issued a notice of funding opportunity (NOFO) for FY2021 INFRA grants, with a new emphasis on climate change and racial equity.

- If confirmed, do you commit to being transparent with this Committee on the decision-making process for awarding competitive grants from programs, such as INFRA and BUILD?
- Do you commit, if confirmed to ensuring that the policy, regulatory, and funding decisions made by the Department consider the unique transportation needs of both rural and urban communities?

**Response:**

If confirmed, I will work with the Secretary to ensure that the DOT implements a balanced investment program that meets the needs of all communities, including rural communities. I will also ensure that discretionary grant programs meet the selection and reporting requirements set forth by Congress in legislation.

**Question 2:** According to NHTSA, the COVID-19 pandemic significantly decreased the amount of traffic on our nation’s highway system. However, a recent report by NHTSA revealed that fatality rate during that same period increased, as did risky driving behaviors, such as driving without a seatbelt and driving under the influence of drugs and alcohol.

- In your testimony, you mention how New York was able to lower traffic fatalities even though fatalities rose nationally. What are some of the initiatives New York implemented in order to make streets safer?

**Response:**

New York became the first U.S. city to adopt Vision Zero, a comprehensive and data-driven program to eliminate all traffic fatalities and severe injuries, while increasing safe, sustainable and equitable mobility for all. Even as traffic fatalities rose nationally, through our efforts in New York, we saw years of safer streets for all road users. Some of the initiatives that we adopted included prioritizing safe street design, lowering the city speed limit to 25 miles per hour, deploying school safety cameras, providing state-of-the-art training and safety education to commercial vehicle operators, and conducting targeted outreach to vulnerable road users. But New York City, like cities all across the country, did see a tragic spike in roadway crashes and fatalities during the pandemic, with speed and reckless driving behavior being major contributing factors. If confirmed, I look forward to making roadway safety nationwide a priority, with a focus on roadway design, driver behavior and vehicle safety standards.

**Question 3:** Do you commit, if confirmed, to ensure that appropriate Department of Transportation staff promptly and thoroughly respond to questions, information requests, and requests for technical assistance from relevant congressional committees, regardless of whether the question or request is made by the committee’s chairman or the committee’s ranking member?

**Response:**

If confirmed, I commit to ensuring that appropriate Department of Transportation staff will promptly and thoroughly respond to questions, information requests, and requests for technical assistance from relevant Congressional committees, regardless of whether the question or request is made by the Committee’s chair or ranking member.

**Question 4:** We are past due to pass a surface transportation reauthorization bill this year. In order to deliver a bill before the current extension expires on September 30<sup>th</sup>, a great deal of work and cooperation will be needed between the Department and Congress. As Ranking Member on the Environment and Public Works Committee, I know that Senator Carper and I agree that our process must be bipartisan, that means there must be some give and take by both parties.

- Do I have your commitment that, if confirmed, you will work with me and others to craft a reauthorization bill that meets our country’s transportation needs and will earn support from members of both parties in both chambers?



- Does the Biden Administration intend to develop and provide to Congress its own proposal to reauthorize federal surface transportation programs? If so, what is the protected timeframe for that proposal?

**Response:**

If confirmed, I commit to working closely with Secretary Buttigieg, this Committee, and with the other key Committees on a bipartisan basis as Congress works to craft a multi-year reauthorization proposal that meets the needs of all communities, including rural communities.

*Submitted by Senator Rick Scott*

**Question 1:** The Biden Administration has indicated that combatting climate change, as well as many aspects of the Green New Deal, will be a focus across several sectors. My view is that we can address climate change and grow our economy at the same time. My concern is that the Green New Deal would bankrupt the nation, hurt our economy and kill small businesses with its excessive, unrealistic regulations.

- Do you plan to implement aspects of the Green New Deal within DOT and what impact do you believe this will have on the private sector and small businesses?

**Response:**

The transportation sector has a key role to play in addressing climate change, and if confirmed, I will continue to support the advancement of clean transportation technologies and will work with you and other stakeholders, including unions, industry, and local, state, Tribal, and territorial governments to determine how to create new programs and use existing programs to create innovative solutions to climate change.

American innovation will indeed be critical to combating climate change and ensuring our global competitiveness. The Department's regulatory actions should be smart, forward-leaning, and recognize and enable innovation and effective new technologies.

**Question 2:** Aviation oversight is a large sector within DOT. How do you and the Biden administration plan to address the ongoing challenges that air travel faces during this pandemic from a safety and economic perspective?

**Response:**

The Biden-Harris Administration has acted swiftly to combat COVID-19, including numerous Executive Orders aimed at protecting travelers and reducing the spread of COVID-19. I know the Department implemented CDC's mask mandates for public transportation, enhanced civil penalties for noncompliant passengers that create safety risks onboard aircraft, and provided aircrews with educational materials they can use to inform the flying public.

However, we must also look beyond the pandemic to our future operations. For example, aircraft fleets that have been idle for more than a year will be returning to service, and the FAA is preparing to ramp up inspections, training and personnel staffing on site as air traffic starts to recover. If confirmed, I will work with Secretary Buttigieg and the FAA to assure aviation safety is our top priority as we return to post-pandemic life. Lessons learned from the pandemic will help us better prepare for future challenges that will stress our operations.

**Question 3:** DOT has approximately 55,000 employees. What experience do you believe makes you most qualified to help lead an agency of this size?

**Response:**

I have nearly three decades of operational, managerial, and policymaking experience, including the last seven years as the Commissioner of the New York City Department of Transportation, a

high-profile transportation agency of nearly 6,000 employees and a multi-billion operating and capital budget, which oversees one of the nation's largest urban roadway, bridge, and traffic operations systems as well as the second largest passenger ferry system.

I also served at the DOT in the Obama Administration as both Undersecretary for Policy, the number three official at the agency, and Assistant Secretary for Policy and I am very familiar with the operations, procedures, challenges and needs of the Department.

**Question 4:** As Deputy Secretary of Transportation, how would you address the fact that the Highway Trust Fund (HTF) is going insolvent, and do you believe we need to increase the federal gas tax?

**Response:**

Since 2008, the ongoing and growing imbalance between Highway Trust Fund spending and receipts has remained a significant issue. If confirmed, I will work with Federal partners, the Committee and with the other key Committees to address our long-standing funding challenges.

**Question 5:** As Governor of Florida, I rejected federal taxpayer dollars to fund high-speed rail because it would have put Floridians on the hook for hundreds of millions of dollars. Instead, the state of Florida worked to find a creative solution that would allow for private investment in high-speed rail – which means zero financial risk for Florida taxpayers. We've seen what happened in California, where the Department of Transportation cancelled nearly \$1 billion in federal money for its high-speed rail project.

- How do you see the Department of Transportation addressing federal grant money requests for high-speed rail? How will you ensure taxpayers aren't on the hook for waste, fraud and abuse?
- What do you see as the private sector's role in high-speed rail?

**Response:**

If confirmed as Deputy Secretary, I commit to working with Secretary Buttigieg, interagency partners, and Congress to make sure that America has the safest, cleanest, and most efficient rail system in the world. I look forward to working with Congress to improve passenger rail service while at the same time focusing on environmental, safety, and economic benefits, especially in historically disadvantaged areas and underserved corridors. In addition, I look forward to working with both private and public-sector entities to explore options that would help us expand our rail network all across the country.

*Submitted by Senator Cynthia Lummis*

**Question 1:** Does the Biden Administration plan to release a comprehensive blueprint for the upcoming highway bill reauthorization?

- If so, when can members of this committee expect to see a copy?
- Will this blueprint include recommendations to Congress for possible pay-fors?

**Response:**

If confirmed, I will work closely with Secretary Buttigieg, this Committee, and with the other key Committees as Congress works to craft a multi-year reauthorization proposal that meets the needs of all communities, including rural communities. I will also work with the Administration, Secretary Buttigieg and the relevant congressional Committees to address the program's long-standing fiscal challenges.

**Question 2:** Do you believe that budgetary constraints on staffing in rural states place them at a competitive disadvantage when it comes to applying for discretionary grants from DOT?

- If so, are there efforts underway to streamline the application process to ease the administrative burden on states?
- Is the administration concerned with the addition of new grant programs in lieu of formula funds that would increase the administrative burden on states applying for funds?

**Response:**

When I served previously at DOT, the Department provided technical assistance to many low-resource applicants, and we successfully made awards to projects in some of the most rural and remote regions of the U.S. In fact, I found these programs were particularly popular with many communities who otherwise do not have access to Federal transportation funding distributed through traditional formula programs. If confirmed, I will ensure that all applicants with eligible projects have the opportunity to compete on a level-playing field.

**Question 3:** Do you believe that existing grant programs, such as BUILD or INFRA, successfully balance urban needs with those of rural states?

**Response:**

The INFRA and BUILD programs have been both popular and successful in large part because they have enabled local jurisdictions to apply directly for funding. If I am confirmed, I will ensure that the DOT implements a balanced investment program that meets the needs of all communities, including rural communities. I understand that rural communities have unique needs, including resource challenges and extensive unmet maintenance. I also know that infrastructure investments in rural America are key to supporting economic growth and to ensuring that residents have access to jobs, education and essential basic services like health

care. If confirmed, I will also ensure that discretionary grant programs meet the requirements set forth by Congress in legislation.

**Question 4:** Is DOT considering significant updates to its National Performance Management Measures (23 CFR 490)? If so, please list what changes or additions are under consideration.

**Response:**

I am not aware of any public statements considering significant updates to the National Performance Management Measures but will commit to report updates to the Committee when they are considered.

**Question 5:** Do you consider the seven-year average timeline for federal permitting on infrastructure to be an adequate timeline?

- If not, what updates are under consideration to expedite project delivery?
- Should Congress codify deadlines for federal permitting of infrastructure projects?
- Does the Biden Administration plan to rescind or amend the One Federal Decision policy?

**Response:**

I recognize the importance of identifying improvements to our federal permitting system that can incorporate the voices of stakeholders and efficiently deliver the projects that communities need. I commit to ensuring that we make investments and implement programs that enable our transportation system to support economic growth and opportunity for all Americans.